Office of the Communications Security Establishment Commissioner

2016–17

Report on Plans and Priorities

The Honourable Harjit S. Sajjan, PC, OMM, MSM, CD, MP
Minister of National Defence

© Her Majesty the Queen in Right of Canada, as represented by the
Office of the Communications Security Establishment Commissioner, 2016.

Catalogue No.: D95-2E
ISSN 2292-521X

Table of Contents

Commissioner's Message 1

Section I: Organizational Expenditure Overview 3

- Organizational Profile 3
- Organizational Context 4
- Planned Expenditures 7
- Alignment of Spending With the Whole-of-Government Framework 9
- Departmental Spending Trend 10
- Estimates by Vote 10

Section II: Analysis of Program by Strategic Outcome 11

- Strategic Outcome: CSE performs its duties and functions in accordance with the laws of Canada and with due regard for the privacy of Canadians. 11
- Program 1.1: Commissioner's Review Program 11
- Internal Services 13

Section III: Supplementary Information 15

- Future-Oriented Condensed Statement of Operations 15
- Supplementary Information Table 16
- Tax Expenditures and Evaluations 16

Section IV: Organizational Contact Information 17

Appendix: Definitions 19

Endnotes 23

Commissioner's Message

I am pleased to submit the *Report on Plans and Priorities for 2016-17* for the Office of the Communications Security Establishment Commissioner.

This report identifies the office's key priorities in the delivery of its mandate in support of the Government's plan for a safe and secure Canada. The office will continue to plan and perform high quality reviews of the activities of the Communications Security Establishment (CSE) for compliance with the law and for safeguarding the privacy of Canadians. The office will also continue, within the confines of the *Security of Information Act*, to communicate as much as possible about the operations of the office, the results of its reviews and the impact of recommendations on CSE. By increasing transparency on the operations of the office and the activities of CSE, Canadians will be better informed and their trust in the review process and their assurance that CSE is being adequately held to account will be strengthened.

The office will continue to work to strengthen its management and operational practices and will continue to explore opportunities for efficiency in all its activities, all the while maintaining the rigour and effectiveness of its review of CSE activities.

Once again, I must acknowledge the hard work of my staff that enables me to fulfill my mandate.

The year ahead will bring changes to review and oversight of the security and intelligence community and I look forward to contributing to that process to help ensure that Canada remains safe and secure and that CSE operates within the bounds of the law, including the protection of privacy of Canadians.

The Honourable Jean-Pierre Plouffe, CD
Commissioner
February 11, 2016

Section I: Organizational Expenditure Overview

Organizational Profile

Appropriate Minister: The Honourable Harjit S. Sajjan, PC, OMM, MSM, CD, MP
Minister of National Defence

Institutional Head: The Honourable Jean-Pierre Plouffe, CD - Commissioner

Ministerial Portfolio: National Defence

Enabling Instrument(s): *National Defence Act*[i]; *Inquiries Act*[ii]; *Security of Information Act*[iii]

Year of Incorporation / Commencement: 1996

Other: The Commissioner's office was granted its own appropriation in 2008

Organizational Context

Raison d'être

The position of the Communications Security Establishment Commissioner was created to review the activities of the Communications Security Establishment (CSE) to determine whether it performs its duties and functions in accordance with the laws of Canada. This includes having due regard for the privacy of Canadians. The Commissioner's office exists to support the Commissioner in the effective discharge of his mandate.

Responsibilities

The mandate of the Commissioner under the *National Defence Act* consists of three key functions:

273.63(2)

a) to review the activities of the CSE to ensure they comply with the law;
b) in response to a complaint, to undertake any investigation that the Commissioner considers necessary;
c) to inform the Minister of National Defence and the Attorney General of Canada of any activity of the Communications Security Establishment that the Commissioner believes may not be in compliance with the law;

273.63(3)

to submit an annual report to the Minister, for tabling in Parliament, on the Commissioner's activities and findings within 90 days after the end of each fiscal year;

273.65(8)

to review and report to the Minister as to whether the activities carried out under a ministerial authorization are authorized; and

Under the Section 15 of the *Security of Information Act:*

to receive information from persons who are permanently bound to secrecy and who seek to defend the release of classified information about the Communications Security Establishment on the grounds that it is in the public interest.

Strategic Outcome and Program Alignment Architecture

1. **Strategic Outcome:** The strategic outcome of the Office of the Communications Security Establishment Commissioner is that CSE performs its duties and functions in accordance with the laws of Canada and with due regard for the privacy of Canadians.

   1.1 Program: Commissioner's Review Program

   Internal Services

Organizational Priorities

Priority: Improve the effectiveness and efficiency of the Commissioner's review program

The office must conduct sufficient meaningful review of the activities of CSE and by so doing enable the Commissioner to inform the Minister, Parliament and ultimately all Canadians whether or not CSE is complying with the law and protecting the privacy of Canadians.

Priority Type[1] Ongoing

Key Supporting Initiatives

Planned Initiatives	Start Date	End Date	Link to Program Alignment Architecture
Review planning and execution • Plan and conduct meaningful, timely reviews and report results and recommendations that, when implemented, contribute to CSE's ability to comply with the law and safeguard the privacy of Canadians;	Ongoing	Ongoing	Review program
• Encourage the free flow of information between the office and CSE by working throughout the year in a mutually respectful and professional manner with CSE;	Ongoing	Ongoing	Review program
• Resource the organization with skilled dedicated professionals; and	Ongoing	Ongoing	Review program
• Supplement internal resource skill sets by engaging, through contract or agreement with other government departments, skilled professionals in security and intelligence.	Ongoing	Ongoing	Review program

1 Type is defined as follows: previously committed to—committed to in the first or second fiscal year prior to the subject year of the report; ongoing—committed to at least three fiscal years prior to the subject year of the report; and new—newly committed to in the reporting year of the Report on Plans and Priorities or the Departmental Performance Report.

• Reinforce the Commissioner's authority to engage the services of those individuals deemed necessary for the fulfillment of his mandate	Ongoing	Ongoing	Review program

Priority: Increase transparency and maintain public trust

The restrictions of the *Security of Information Act* limit the information that can be provided on the activities of CSE. As a result, with the law preventing full disclosure, conclusions can be and are being drawn by "security experts" that are either misleading or wrong. The office must provide, to the greatest extent permissible, information that will help maintain public trust.

Priority Type [2] Ongoing

Planned Initiatives	Start Date	End Date	Link to Program Alignment Architecture
Transparency • Continue to meet with other review bodies in Canada and abroad to further discuss mandates, performance and reporting and to explore opportunities for information sharing on issues related to security, intelligence and privacy.	Ongoing	Ongoing	Review program
Public Trust • Continue to expand, to the extent permissible under the Security of Information Act, the disclosure of what the office does, the results of its reviews and their impact on the activities of CSE.	Ongoing	Ongoing	Review program
• Increase the involvement of the office in conferences and events addressing issues of security and privacy, oversight and review.	Ongoing	Ongoing	Review program

For more information on organizational priorities, see the Minister's mandate letter on the Prime Minister of Canada's website.[iv]

2. Type is defined as follows: previously committed to—committed to in the first or second fiscal year prior to the subject year of the report; ongoing—committed to at least three fiscal years prior to the subject year of the report; and new—newly committed to in the reporting year of the Report on Plans and Priorities or the Departmental Performance Report.

Risk Analysis

Key Risks

Risk	Risk Response Strategy	Link to Program Alignment Architecture
Failure to maintain and build on the existing effective working relationship with CSE	Promote information sharing at every opportunity "No surprises" approach in the planning, conduct and reporting of reviews	Review program
Insufficient review coverage	Integrated review and human resource planning	Review program
Loss of public trust	Expanded outreach program	Review program

Effective working relationship with CSE – In order for the office to address the most critical areas of concern to the Minister, Parliamentarians and ultimately to all Canadians, the office relies to a great extent on the information we obtain from CSE, on its plans and priorities, and its activities. The information allows potential reviews to be identified, prioritized and scheduled. The review approach ensures that all elements related to planning, performance and reporting are fully discussed and, based on facts, which must be agreed upon. This approach results in reports that are accurate, relevant and timely, and with conclusions and recommendations that contribute to strengthening compliance and privacy protection.

Integrated review and human resource planning – The office prepares a three year risk-based plan for the conduct of reviews, updated twice annually. One of the key considerations of the plan is determining what review skill sets are required to complete these reviews and, where necessary, on a part-time basis augmenting the internal skill sets with subject matter specialists.

Expanded outreach program – New legislation is being proposed with a view to strengthen accountability with respect to national security. In addition, there is a proposed statutory committee of Parliamentarians that will be responsible for reviewing security-related issues. It is critical for the office to ensure that Parliamentarians in their deliberations have all the information they need and that they know and understand what the office does, how it operates and what it achieves.

Planned Expenditures

Budgetary Financial Resources (dollars)

2016–17 Main Estimates	2016–17 Planned Spending	2017–18 Planned Spending	2018–19 Planned Spending
2,125,377	2,125,377	2,125,377	2,125,377

Human Resources (Full-Time Equivalents (FTEs))

2016–17	2017–18	2018–19
11.5	11.5	11.5

Budgetary Planning Summary for Strategic Outcome and Program (dollars)

Strategic Outcome, Program and Internal Services	2015–16 Expenditures	2016–17 Expenditures	2016–17 Forecast Spending	2016–17 Main Estimates	2016–17 Planned Spending	2017–18 Planned Spending	2018–19 Planned Spending
Strategic Outcome 1: The strategic outcome of the Office of the Communications Security Establishment Commissioner is that the CSE performs its duties and functions in accordance with the laws of Canada and with due regard for the privacy of Canadians.							
Review Program	1,322,456	1,445,424	1,607,760	1,520,000	1,520,000	1,520,000	1,520,000
Internal Services	420,420	385,145	310,000	405,077	405,077	405,077	405,077
Total	1,840,150	2,040,569	2,125,918	2,125,077	2,125,077	2,125,077	2,125,077

Forecast spending in 2015-16 is $80 thousand higher than 2016-17 expenditures as a result of lapsed funds carried forward from 2016-17 being available for spending in 2015-16. The forecast spending in 2015-16 includes funds carried forward that are not included in the fiscal years 2016-17 and beyond. However, due to funds reprofiled from future years' reference levels for construction to expand the physical space of the office, including $90 thousand from 2015-16 being available in 2016-17 and beyond, the overall increase is approximately $2 thousand to the Main Estimates for 2016-17 and the planned spending for fiscal years 2016-17 to 2018-19.

Alignment of Spending With the Whole-of-Government Framework

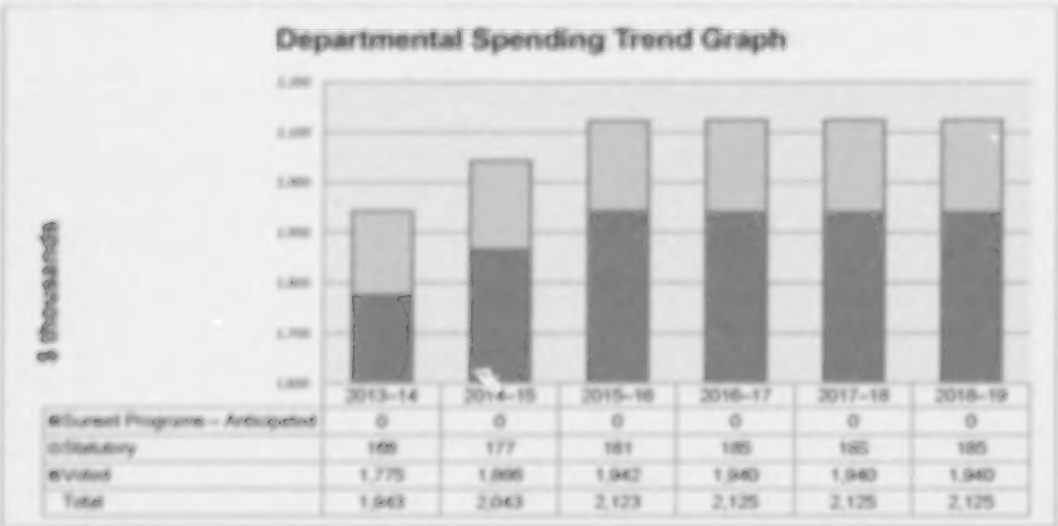
Alignment of 2018-19 Planned Spending With the Whole-of-Government Framework[1] (dollars)

Strategic Outcome	Program	Spending Area	Government of Canada Outcome	2018-19 Planned Spending
The Communications Security Establishment performs its duties and functions in accordance with the laws of Canada and with due regard for the privacy of Canadians.	Review program	Social affairs	A safe and secure Canada	2,109,577

Total Spending by Spending Area (dollars)

Spending Area	Total Planned Spending
Economic affairs	0
Social affairs	2,109,577
International affairs	0
Government affairs	0

Departmental Spending Trend



	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Current Programs – Anticipated	0	0	0	0	0	0
Statutory	168	177	181	185	185	185
Voted	1,775	1,866	1,942	1,940	1,940	1,940
Total	1,943	2,043	2,123	2,125	2,125	2,125

The planned spending of the office for the Estimate year, 2015-16, and the two subsequent years, 2017-18 and 2018-19, is constant. The planned initiatives set out earlier in the report are not new initiatives requiring additional funding but rather a continuation of existing initiatives modified slightly to remain in line with what is required to be successful in the delivery of the Commissioner's mandate. This refocusing and adjustment to program delivery is an annual requirement and is funded out of existing reference levels.

The actual spending in 2013-14 is lower because of the late delivery of capital assets that were only received in 2014-15 and could only be paid in 2014-15. Funds lapsed in 2014-15 and resulted in actual spending being lower than the forecast spending in 2015-16.

Estimates by Vote

For information on the Office of the Communications Security Establishment Commissioner's organizational appropriations, consult the *2016–17 Main Estimates*[vi].

Section II: Analysis of Program by Strategic Outcome

Strategic Outcome: CSE performs its duties and functions in accordance with the laws of Canada and with due regard for the privacy of Canadians.

Performance Measurement

Performance Indicators	Targets	Date to Be Achieved
% of reviews completed within targeted time frames	80%	March 31, 2017
% of recommendations implemented	80%	March 31, 2017
% of negative findings addressed	80%	March 31, 2017

Program 1.1: Commissioner's Review Program

The review program includes research, monitoring, planning, the conduct of reviews and the reporting of results. In addition, it also includes consultations and communications with CSE officials, with other review bodies and other government officials, as required.

Budgetary Financial Resources (dollars)

2016–17 Main Estimates	2016–17 Planned Spending	2017–18 Planned Spending	2018–19 Planned Spending
1,620,000	1,620,000	1,620,000	1,620,000

Human Resources (Full-Time Equivalents [FTEs])

2016–17	2017–18	2018–19
8.5	8.5	8.5

Performance Measurement

Expected Results	Performance Indicators	Targets	Date to Be Achieved
Reviews are completed within targeted time frames as established by the Commissioner	% of reviews completed within targeted time frames	80%	March 31, 2017
Recommendations resulting from the reviews conducted are accepted and implemented	% of recommendations implemented	80%	March 31, 2017
Negative findings addressed	% of negative findings addressed	80%	March 31, 2017

Planning Highlights

The priorities of the office remain unchanged from the previous year – improve the effectiveness and efficiency of the review program and increase transparency and maintain public trust.

Review what needs to be reviewed - A critical element in the determination of activities for review is the identification of existing and developing issues that pose the greatest risk to CSE's ability to comply with the legislation and to protect the privacy of Canadians. Because of the existing working relationship with CSE, the office receives from CSE extensive information on its plans and priorities, its activities, both underway and planned, and its areas of concern. The analysis of this information is a key component of the risk analysis the office performs to identify the activities that require review.

Conduct meaningful and effective review - The office must continue to assess its human resources to ensure that sufficient skill sets are in place to address the review issues that need to be examined. Employees will continue to be offered opportunities for training and development and the office will continue to improve the tools and systems available to support the review activity. Mentoring and on-the-job training will continue to be made available, as required. When necessary, the skill sets of the office will be supplemented by engaging on a part-time basis the services of technical and subject matter specialists. In addition, discussions and meetings with other review bodies in Canada and abroad will continue. These exchanges will contribute to the development of professional standards and the sharing of best practices.

The office, within the confines of the *Security of Information Act*, will continue to expand the disclosure of its reviews and their impact on CSE in the Commissioner's annual report. It is critical that Canadians know the activities of CSE are subject to effective oversight and that instances of non-compliance and/or non-protection of privacy are reported along with recommendations for corrective action. As well, further disclosures of office operations and performance will be posted on the office website[vii]. There will be continued dialogue with the media and additional information exchanges resulting from participation in national and international conferences, and through meetings with other review bodies in Canada and abroad.

Internal Services

Description

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. Internal services include only those activities and resources that apply across an organization, and not those provided to a specific program. The groups of activities are Management and Oversight Services; Communications Services; Legal Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Materiel Services; and Acquisition Services.

Budgetary Financial Resources (dollars)

2016–17 Main Estimates	2016–17 Planned Spending	2017–18 Planned Spending	2018–19 Planned Spending
505,377	505,377	505,377	505,377

Human Resources (FTEs)

2016–17	2017–18	2018–19
3	3	3

Planning Highlights

In 2016-17, Internal Services will continue to support the Commissioner, the Executive Director and the review program across the full range of internal services. This support will include the following:

- upgrade office processes to comply with new government-wide service delivery models (email, recordkeeping and web renewal) to better manage information;
- continue to expand and update the administrative policies and procedures manual to address all internal services provided;
- strengthen current practices related to succession planning and career development; and
- continue to improve on financial management practices related to compliance and control.

Section III: Supplementary Information

Future-Oriented Condensed Statement of Operations

The Future-Oriented Condensed Statement of Operations provides a general overview of the Office of the Communications Security Establishment Commissioner's operations. The forecast of financial information on expenses and revenues is prepared on an accrual accounting basis to strengthen accountability and to improve transparency and financial management.

Because the Future-Oriented Condensed Statement of Operations is prepared on an accrual accounting basis, and the forecast and planned spending amounts presented in other sections of the Report on Plans and Priorities are prepared on an expenditure basis, amounts may differ.

A more detailed Future-Oriented Statement of Operations and associated notes, including a reconciliation of the net cost of operations to the requested authorities, are available on the Office of the Communications Security Establishment Commissioner's website.[viii]

Future-Oriented Condensed Statement of Operations
For the Year Ended March 31
(dollars)

Financial Information	2015–16 Forecast Results	2016–17 Planned Results	Difference (2016-17 Planned Results minus 2015-16 Forecast Results)
Total expenses	2,291,913	2,388,961	97,048
Total revenues	–	–	–
Net cost of operations	2,291,913	2,388,961	97,048

The increase in planned expenses in 2016-17 is due primarily to a planned increase in the cost of professional services for both the review program and internal services.

Supplementary Information Table

The supplementary information table listed in the *2016–17 Report on Plans and Priorities* is available on the Office of the Communications Security Establishment Commissioner's website.

- Departmental Sustainable Development Strategy [ix]

Tax Expenditures and Evaluations

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance Canada publishes cost estimates and projections for these measures each year in the *Tax Expenditures and Evaluations*[x] publication. The tax measures presented in that publication are the responsibility of the Minister of Finance.

Section IV: Organizational Contact Information

The Office of the Communications Security Establishment Commissioner can be reached at the following address:

Office of the Communications Security Establishment Commissioner
P.O. Box 1474, Station "B"
Ottawa, ON K1P 5P6

The Office may also be reached:

Telephone: 613-992-3044 Facsimile: 613-992-4096 Email: info@ocsec-bccst.gc.ca

For further information on the Office of the Communications Security Establishment Commissioner, its mandate and function, please visit the office's website[xi].

Appendix: Definitions

Appropriation: Any authority of Parliament to pay money out of the Consolidated Revenue Fund.

budgetary expenditures: Operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations.

Departmental Performance Report: Reports on an appropriated organization's actual accomplishments against the plans, priorities and expected results set out in the corresponding Reports on Plans and Priorities. These reports are tabled in Parliament in the fall.

full-time equivalent: A measure of the extent to which an employee represents a full person-year charge against a departmental budget. Full-time equivalents are calculated as a ratio of assigned hours of work to scheduled hours of work. Scheduled hours of work are set out in collective agreements.

Government of Canada outcomes: A set of 16 high-level objectives defined for the government as a whole, grouped in four spending areas: economic affairs, social affairs, international affairs and government affairs.

Management, Resources and Results Structure: A comprehensive framework that consists of an organization's inventory of programs, resources, results, performance indicators and governance information. Programs and results are depicted in their hierarchical relationship to each other and to the Strategic Outcome(s) to which they contribute. The Management, Resources and Results Structure is developed from the Program Alignment Architecture.

non-budgetary expenditures: Net outlays and receipts related to loans, investments and advances, which change the composition of the financial assets of the Government of Canada.

performance: What an organization did with its resources to achieve its results, how well those results compare to what the organization intended to achieve, and how well lessons learned have been identified.

performance indicator: A qualitative or quantitative means of measuring an output or outcome, with the intention of gauging the performance of an organization, program, policy or initiative respecting expected results.

performance reporting: The process of communicating evidence-based performance information. Performance reporting supports decision making, accountability and transparency.

planned spending: For Reports on Plans and Priorities (RPPs) and Departmental Performance Reports (DPRs), planned spending refers to those amounts that receive Treasury Board approval by February 1. Therefore, planned spending may include amounts incremental to planned expenditures presented in the Main Estimates.

A department is expected to be aware of the authorities that it has sought and received. The determination of planned spending is a departmental responsibility, and departments must be able to defend the expenditure and accrual numbers presented in their RPPs and DPRs.

plans: The articulation of strategic choices, which provides information on how an organization intends to achieve its priorities and associated results. Generally a plan will explain the logic behind the strategies chosen and tend to focus on actions that lead up to the expected result.

priorities: Plans or projects that an organization has chosen to focus and report on during the planning period. Priorities represent the things that are most important or what must be done first to support the achievement of the desired Strategic Outcome(s).

program: A group of related resource inputs and activities that are managed to meet specific needs and to achieve intended results and that are treated as a budgetary unit.

Program Alignment Architecture: A structured inventory of an organization's programs depicting the hierarchical relationship between programs and the Strategic Outcome(s) to which they contribute.

Report on Plans and Priorities: Provides information on the plans and expected performance of appropriated organizations over a three-year period. These reports are tabled in Parliament each spring.

results: An external consequence attributed, in part, to an organization, policy, program or initiative. Results are not within the control of a single organization, policy, program or initiative; instead they are within the area of the organization's influence.

statutory expenditures: Expenditures that Parliament has approved through legislation other than appropriation acts. The legislation sets out the purpose of the expenditures and the terms and conditions under which they may be made.

Strategic Outcome: A long-term and enduring benefit to Canadians that is linked to the organization's mandate, vision and core functions.

sunset program: A time-limited program that does not have an ongoing funding and policy authority. When the program is set to expire, a decision must be made whether to continue the program. In the case of a renewal, the decision specifies the scope, funding level and duration.

target: A measurable performance or success level that an organization, program or initiative plans to achieve within a specified time period. Targets can be either quantitative or qualitative.

voted expenditures: Expenditures that Parliament approves annually through an Appropriation Act. The Vote wording becomes the governing conditions under which these expenditures may be made.

whole-of-government framework: Maps the financial contributions of federal organizations receiving appropriations by aligning their Programs to a set of 16 government-wide, high-level outcome areas, grouped under four spending areas.

Endnotes

i *National Defence Act*, http://laws-lois.justice.gc.ca/eng/acts/N-5/
ii *Inquiries Act*, http://laws-lois.justice.gc.ca/eng/acts/I-11/
iii *Security of Information Act*, http://laws-lois.justice.gc.ca/eng/acts/O-5/
iv Privy Council Office's website, http://pco-bcp.gc.ca/eng/ministerial-mandate-letters
v Whole-of-government framework, http://www.tbs-sct.gc.ca/pgq-cpr/frame-cadre-eng.aspx
vi *2016-17 Main Estimates*, http://www.tbs-sct.gc.ca/hgw-cgf/finances/pgs-pdg/gepme-pdgbpd/index-eng.asp
vii Office of the Communications Security Establishment Commissioner, https://www.ocsec-bccst.gc.ca/
viii Office of the Communications Security Establishment Commissioner, https://www.ocsec-bccst.gc.ca/s21/s24/eng/future-oversight-framework-statements
ix Departmental Sustainable Development Strategy, https://www.ocsec-bccst.gc.ca/s87/eng/publications
x *Tax Expenditures and Evaluations* publication, http://www.fin.gc.ca/purl/taxexp-eng.asp
xi Office of the Communications Security Establishment Commissioner, https://www.ocsec-bccst.gc.ca